

## **IC 23-14-63**

### **Chapter 63. Conveyance of Township Cemeteries to Private Corporations**

#### **IC 23-14-63-1**

##### **Application of chapter**

23-14-63-1 Sec. 1. This chapter applies whenever ten (10) or more heads of families:

- (1) who reside in:
  - (A) a township; or
  - (B) the immediate vicinity of a cemetery owned by a township; and
- (2) who own lots in and whose dead relatives are buried in a cemetery owned by the township;

organize, either by themselves or with others, as a corporation for the burial of the dead and the maintenance of a cemetery.

*As added by P.L.52-1997, SEC.37.*

#### **IC 23-14-63-2**

##### **Petition asking for conveyance; notice**

23-14-63-2 Sec. 2. (a) The persons described in section 1 of this chapter may file with the township trustee a petition asking for the conveyance of the cemetery owned by the township to the corporation.

(b) The persons filing the petition under subsection (a) must give notice of the filing at least three (3) weeks before the filing in accordance with IC 5-3-1-2 by publishing a notice concerning the petition in a newspaper:

- (1) that is published in the township; or
- (2) if there is no newspaper published in the township, in the newspaper published nearest to the township.

*As added by P.L.52-1997, SEC.37.*

#### **IC 23-14-63-3**

##### **Requirements of petitioners**

23-14-63-3 Sec. 3. The persons filing a petition under section 2 of this chapter must:

- (1) state in the petition that the corporation would have at the time of taking over the cemetery an endowment or perpetual care fund of at least one thousand dollars (\$1,000);
- (2) agree to increase the balance in the fund to an amount sufficient to produce enough interest to keep the cemetery in proper condition; and
- (3) agree to:
  - (A) keep the cemetery in good order; and
  - (B) honestly and faithfully manage the cemetery.

*As added by P.L.52-1997, SEC.37.*

#### **IC 23-14-63-4**

##### **Duties of township trustee**

23-14-63-4 Sec. 4. The township trustee, if satisfied that the petition is signed by a majority of the owners of lots in the cemetery who are residents of the township or of the immediate vicinity of the cemetery, shall convey the cemetery to the corporation formed by the petitioners.

*As added by P.L.52-1997, SEC.37.*

#### **IC 23-14-63-5**

##### **Powers and duties of corporation**

23-14-63-5 Sec. 5. (a) A corporation to which a cemetery is conveyed under section 4 of this chapter:

- (1) shall control the cemetery;
- (2) shall ornament, beautify, and improve the cemetery;
- (3) may purchase additions and sell lots in the cemetery;
- (4) may assess all lots for the care, improvement, and beautification of the cemetery;
- (5) may receive and hold in trust gifts, donations, and legacies to be devoted to the purposes referred to in subdivisions (1) through (4); and
- (6) may exercise all the powers of a corporation organized under any statute for the purpose of owning, managing, and maintaining cemeteries.

(b) All actions that the corporation takes in accordance with statutes concerning cemeteries before the cemetery is conveyed by the township trustee to the corporation are valid and binding on all parties involved in the actions.

*As added by P.L.52-1997, SEC.37.*